

**In the Matter of the Accusation  
Against:**

**Case No. 800-2016-026121**

**Respondent**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on July 26, 2019.**

**IT IS SO ORDERED: June 27, 2019.**

Küster Jansen

DCU32 (Rev 01-2019)

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 BRIAN D. BILL  
Deputy Attorney General  
4 State Bar No. 239146  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6461  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2016-026121

12 **ELIZABETH NIMNI, M.D.**  
13 **1628 Comstock Avenue**  
**Los Angeles, CA 90024**

OAH No. 2018041133

14 **Physician's and Surgeon's Certificate No. A**  
15 **54906,**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
21 of California (Board). She brought this action solely in her official capacity and is represented in  
22 this matter by Xavier Becerra, Attorney General of the State of California, by Brian D. Bill,  
23 Deputy Attorney General.

24 2. Respondent ELIZABETH NIMNI, M.D. (Respondent) is represented in this  
25 proceeding by attorney Peter Osinoff of Bonne Bridges Mueller O'Keefe & Nichols, whose  
26 address is: 355 South Grand Avenue, Suite 1750, Los Angeles, California 90071, (213) 480-1900.

27 3. On or about October 4, 1995, the Board issued Physician's and Surgeon's Certificate  
28 No. A 54906 to ELIZABETH NIMNI, M.D. (Respondent). The Physician's and Surgeon's

1 Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 800-2016-026121, and will expire on September 30, 2019, unless renewed.

3 JURISDICTION

4 4. Accusation No. 800-2016-026121 was filed before the Board, and is currently  
5 pending against Respondent. The Accusation and all other statutorily required documents were  
6 properly served on Respondent on August 15, 2017. Respondent timely filed her Notice of  
7 Defense contesting the Accusation.

8 5. A copy of Accusation No. 800-2016-026121 is attached as exhibit A and incorporated  
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. 800-2016-026121. Respondent has also carefully read,  
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
14 Disciplinary Order.

15 7. Respondent is fully aware of her legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
17 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
19 documents; the right to reconsideration and court review of an adverse decision; and all other  
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 CULPABILITY

24 9. Respondent understands and agrees that the charges and allegations in Accusation  
25 No. 800-2016-026121, if proven at a hearing, constitute cause for imposing discipline upon her  
26 Physician's and Surgeon's Certificate.

27 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

1 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest  
2 those charges.

3 11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
4 discipline and she agrees to be bound by the Board's probationary terms as set forth in the  
5 Disciplinary Order below.

6 RESERVATION

7 12. The admissions made by Respondent herein are only for the purposes of this  
8 proceeding, or any other proceedings in which the Medical Board of California or other  
9 professional licensing agency is involved, and shall not be admissible in any other criminal or  
10 civil proceeding.

11 CONTINGENCY

12 13. This stipulation shall be subject to approval by the Medical Board of California.  
13 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
14 Board of California may communicate directly with the Board regarding this stipulation and  
15 settlement, without notice to or participation by Respondent or her counsel. By signing the  
16 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
17 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
18 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
19 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
20 action between the parties, and the Board shall not be disqualified from further action by having  
21 considered this matter.

22 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
24 signatures thereto, shall have the same force and effect as the originals.

25 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
26 the Board may, without further notice or formal proceeding, issue and enter the following  
27 Disciplinary Order:

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1 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
2 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

3 The psychotherapist shall consider any information provided by the Board or its designee  
4 and any other information the psychotherapist deems relevant and shall furnish a written  
5 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
6 psychotherapist with any information and documents that the psychotherapist may deem  
7 pertinent.

8 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
9 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
10 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
11 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
12 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
13 period of probation shall be extended until the Board determines that Respondent is mentally fit  
14 to resume the practice of medicine without restrictions.

15 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

16 3. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
17 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
18 Chief Executive Officer at every hospital where privileges or membership are extended to  
19 Respondent, at any other facility where Respondent engages in the practice of medicine,  
20 including all physician and locum tenens registries or other similar agencies, and to the Chief  
21 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
22 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
23 calendar days.

24 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

25 4. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
26 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
27 advanced practice nurses.

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1       5.   OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
2 governing the practice of medicine in California and remain in full compliance with any court  
3 ordered criminal probation, payments, and other orders.

4       6.   QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
5 under penalty of perjury on forms provided by the Board, stating whether there has been  
6 compliance with all the conditions of probation.

7       Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
8 of the preceding quarter.

9       7.   GENERAL PROBATION REQUIREMENTS.

10      Compliance with Probation Unit

11      Respondent shall comply with the Board's probation unit.

12      Address Changes

13      Respondent shall, at all times, keep the Board informed of Respondent's business and  
14 residence addresses, email address (if available), and telephone number. Changes of such  
15 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
16 circumstances shall a post office box serve as an address of record, except as allowed by Business  
17 and Professions Code section 2021(b).

18      Place of Practice

19      Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
20 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
21 facility.

22      License Renewal

23      Respondent shall maintain a current and renewed California physician's and surgeon's  
24 license.

25      Travel or Residence Outside California

26      Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
27 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
28 (30) calendar days.

1 In the event Respondent should leave the State of California to reside or to practice,  
2 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
3 departure and return.

4 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
5 available in person upon request for interviews either at Respondent's place of business or at the  
6 probation unit office, with or without prior notice throughout the term of probation.

7 9. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
8 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
9 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
10 defined as any period of time Respondent is not practicing medicine as defined in Business and  
11 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
12 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
13 Respondent resides in California and is considered to be in non-practice, Respondent shall  
14 comply with all terms and conditions of probation. All time spent in an intensive training  
15 program which has been approved by the Board or its designee shall not be considered non-  
16 practice and does not relieve Respondent from complying with all the terms and conditions of  
17 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
18 on probation with the medical licensing authority of that state or jurisdiction shall not be  
19 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
20 period of non-practice.

21 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
22 months, Respondent shall successfully complete the Federation of State Medical Boards' Special  
23 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
24 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
25 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

26 Respondent's period of non-practice while on probation shall not exceed two (2) years.

27 Periods of non-practice will not apply to the reduction of the probationary term.

28 Periods of non-practice for a Respondent residing outside of California will relieve



Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing.

10. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

11. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

12. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

13. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of

1 California and delivered to the Board or its designee no later than January 31 of each calendar  
2 year.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney, Peter Osinoff. I understand the stipulation and the effect it will  
6 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
8 Decision and Order of the Medical Board of California.

9  
10 DATED: \_\_\_\_\_

ELIZABETH NIMNI, M.D.  
*Respondent*

12 I have read and fully discussed with Respondent ELIZABETH NIMNI, M.D. the terms and  
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
14 I approve its form and content.

15 DATED: \_\_\_\_\_

PETER OSINOFF  
*Attorney for Respondent*

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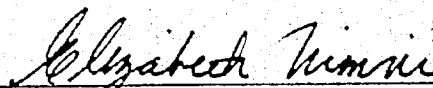
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1 California and delivered to the Board or its designee no later than January 31 of each calendar  
2 year.

3 ACCEPTANCE

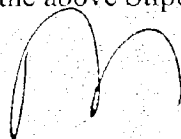
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6 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
8 Decision and Order of the Medical Board of California.

9  
10 DATED: 12/7/18

  
11 ELIZABETH NIMNI, M.D.  
Respondent

12 I have read and fully discussed with Respondent ELIZABETH NIMNI, M.D. the terms and  
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
14 I approve its form and content.

15 DATED: 12/7/18

  
16 PETER OSINOFF  
Attorney for Respondent

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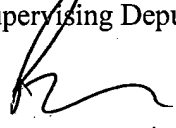
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 12-14-2018

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

  
BRIAN D. BILL  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2016-026121**

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JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2016-026121

**Elizabeth Nimni, M.D.**  
1628 Comstock Avenue  
Los Angeles, CA 90024

**A C C U S A T I O N**

**Physician's and Surgeon's Certificate  
No. A 54906,**

Respondent.

Complainant alleges:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about October 4, 1995, the Medical Board issued Physician's and Surgeon's Certificate Number A 54906 to Elizabeth Nimni, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2017, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2234 of the Code, states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the

1 violation of, or conspiring to violate any provision of this chapter.

2 "...

3 "(e) The commission of any act involving dishonesty or corruption which is substantially  
4 related to the qualifications, functions, or duties of a physician and surgeon.

5 "...

6 6. Section 2236 of the Code states:

7 "(a) The conviction of any offense substantially related to the qualifications, functions, or  
8 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
9 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction  
10 occurred.

11 "(b) The district attorney, city attorney, or other prosecuting agency shall notify the  
12 Division of Medical Quality of the pendency of an action against a licensee charging a felony or  
13 misdemeanor immediately upon obtaining information that the defendant is a licensee. The  
14 notice shall identify the licensee and describe the crimes charged and the facts alleged. The  
15 prosecuting agency shall also notify the clerk of the court in which the action is pending that the  
16 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds  
17 a license as a physician and surgeon.

18 "(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours  
19 after the conviction, transmit a certified copy of the record of conviction to the board. The  
20 division may inquire into the circumstances surrounding the commission of a crime in order to fix  
21 the degree of discipline or to determine if the conviction is of an offense substantially related to  
22 the qualifications, functions, or duties of a physician and surgeon.

23 "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to  
24 be a conviction within the meaning of this section and Section 2236.1. The record of conviction  
25 shall be conclusive evidence of the fact that the conviction occurred."

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**FACTUAL ALLEGATIONS**

7. On or about March 20, 2016, Respondent was issued a citation for violating California Penal Code section 459.5, subdivision (a), shoplifting. The facts of the arrest are as follows:

a. On or about March 20, 2016, Respondent entered the Bloomingdale's department store in Santa Monica, California. At approximately 1410 hours, a Bloomingdale's sales associate notified loss prevention officer N.M. that she recognized Respondent as an individual who had previously stolen items from the store.

b. N.M. observed Respondent enter a changing room after selecting three garments. A short time later, N.M. observed that Respondent exited the changing room without the garments and walked past several cash registers towards the north exit on the second floor.

c. N.M. entered the changing room and noticed three security sensors on the floor that appeared to have been removed from clothing.

d. Respondent was contacted outside of the store by loss prevention officers, who escorted Respondent back into the store. Three garments were located in Respondent's bag.

e. Santa Monica Police Officer R.G. arrived shortly thereafter. Officer R.G. asked Respondent about the incident. Respondent stated, "I stole," and admitted that she had taken the security sensors off of the clothing found in her bag. Further, Respondent stated that she has a problem with stealing and she cannot control the impulse to steal. Respondent was issued a citation and was released.

8. On or about April 8, 2016, case number 6AR22265, *The People of the State of California v. Elizabeth Nimni*, was filed in Los Angeles Superior Court, alleging one violation of California Penal Code section 459.5(a), a misdemeanor. On or about April 27, 2016, Respondent was arraigned on the aforementioned charge.

9. On or about August 18, 2016, Respondent entered a plea of guilty to the sole charge of violating California Penal Code section 459.5(a). Respondent was placed on two years of summary probation and was ordered to stay away from Bloomingdales in Santa Monica, California, perform 50 hours of community work service, pay restitution to Bloomingdales, and

1 pay court fines and fees.

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Conviction of a Crime)**

4 10. Respondent Elizabeth Nimni, M.D. is subject to disciplinary action under section  
5 2236, subdivision (a), in that Respondent was convicted of shoplifting. The circumstances are as  
6 follows:

7 11. The allegations detailed in paragraphs 7 through 9 are incorporated herein by  
8 reference as if fully set forth.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Commission of a Dishonest Act)**

11 12. Respondent Elizabeth Nimni, M.D. is subject to disciplinary action under section  
12 2234, subdivision (e), in that Respondent engaged in a dishonest act by shoplifting. The  
13 circumstances are as follows:

14 13. The allegations detailed in paragraphs 7 through 9 are incorporated herein by  
15 reference as if fully set forth.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 14. Respondent Elizabeth Nimni, M.D. is subject to disciplinary action under section  
19 2234, subdivision (a), in that Respondent engaged in unprofessional conduct when she committed  
20 the crime of shoplifting. The circumstances are as follows:

21 15. The allegations detailed in paragraphs 7 through 9 are incorporated herein by  
22 reference as if fully set forth.

23 **DISCIPLINARY CONSIDERATIONS**

24 16. On or about April 28, 2012, Respondent was issued a citation for violating California  
25 Penal Code section 484, subdivision (a), petty theft, after attempting to steal from a retail store in  
26 Santa Monica, California.

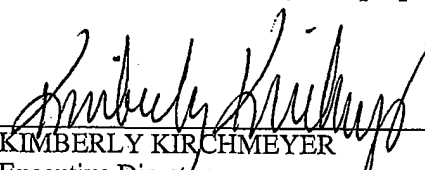
27 17. On or about April 20, 2017, Respondent was interviewed by the Board. During the  
28 interview, Respondent admitted to stealing from retail stores approximately 10 times.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 54906, issued to Elizabeth Nimni, M.D.;
2. Revoking, suspending or denying approval of Elizabeth Nimni, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Elizabeth Nimni, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: August 15, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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